

*West Virginia Department of Environmental Protection*

*Earl Ray Tomblin  
Governor*

*Division of Air Quality*

*Randy C. Huffman  
Cabinet Secretary*

# Permit to Modify



**R13-0308E**

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

Issued to:

**Second Sterling Corporation  
Keystone #1 Coal Preparation Plant  
047-00008**

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*John A. Benedict  
Director*

Issued: **DRAFT** • Effective: **DRAFT**

*This permit will supercede and replace Permit R13-0308D issued on July 14, 2006 and R13-1142 issued on September 21, 1989.*

Facility Location: US Route 52, McDowell County, West Virginia  
Mailing Address: PO Box 1085, Beckley, WV 25802  
Facility Description: Coal Preparation Plant  
NAICS Codes: 212111  
UTM Coordinates: 460.328 km Easting • 4,141.305 km Northing • Zone 17  
Permit Type: Modification  
Desc. of Change: SSC is proposing to modify the Keystone #1 Coal Preparation Plant primarily by increasing the hourly raw coal input to the wet wash plant from 350 tons per hour (TPH) to 470 TPH without any increase in annual throughput. A PSD applicability analysis was included in the permit application.

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement date of any operation authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.*

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**1.0 Table 1.0: Emission Units/Sources**

Emission Unit/Source ID	Emission Point ID	Emission Unit Description	Year <sup>(2)</sup> C, R, or M	Design Capacity	Control Device <sup>(1)</sup>
<b>Raw Coal Circuit</b>					
ST21	64E	Raw Coal Overflow Stockpile	2007	1,000 ft. <sup>2</sup> 1,000 Tons	N
ST11	50E	Truck Dump Hopper #1	1952	80 Tons	PE
CO4	4E	Belt Conveyor	1952	450 TPH	FE
SZ01	35E	Bradford Breaker	1952	450 TPH	FE
CO5	5E	Belt Conveyor	1952	450 TPH	PE
ST12	51E	Truck Dump Hopper #2	1952	30 Tons	PE
CO1	1E	Belt Conveyor	1952	200 TPH	PE
SZ02	35E	Gundlach Screen	1952	200 TPH	PE
CO2	2E	Belt Conveyor	1952	200 TPH	PE
CO3	3E	Belt Conveyor	1952	470 TPH	PE
ST1	40E	Raw Coal Open Stockpile	1952	5,000 ft. <sup>2</sup> 5,000 Tons	N
CO6	6E	Belt Conveyor	1952	450 TPH	PE
ST2	41E	Raw Coal Storage Bin	1952	2,000 Tons	PE
CO7	7E	Belt Conveyor	1952	450 TPH	PE
ST3	42E	Raw Coal Storage Bin	1952	500 Tons	PE
ST4	43E	Raw Coal Storage Bin	1952	500 Tons	PE
CO8	8E	Belt Conveyor	2012	470 TPH	PE
CO9	9E	Belt Conveyor	2012	470 TPH	PE
C10	10E	Belt Conveyor	2012	470 TPH	N
SZ04	38E	Pre-Wet Wash Plant Screens	2012	470 TPH	FE
<b>Clean Coal Circuit</b>					
C21	22E	Belt Conveyor	1997	318.7 TPH	PE
C22	22E	Belt Conveyor	1997	40 TPH	PE
C23	23E	Belt Conveyor	1997	40 TPH	PE
C24	24E	Belt Conveyor	1997	40 TPH	PE
ST13	52E	House Coal Bin	1952	2,000 Tons	PE
C25	25E	Belt Conveyor	1997	40 TPH	PE

**1.0 Table 1.0: Emission Units/Sources**

Emission Unit/Source ID	Emission Point ID	Emission Unit Description	Year <sup>(2)</sup> C, R, or M	Design Capacity	Control Device <sup>(1)</sup>
TD05	#001 #002	Thermal Dryer	1977	318.7 TPH (dried)	Wet Cyclone, Scrubber
C11	11E	Belt Conveyer	1952	290 TPH	PE
ST5	44E	Rail Loadout Bin	1977	100 Tons	PE
C12	12E	Belt Conveyer	1990	290 TPH	PE
C13	13E	Belt Conveyer	1990	290 TPH	PE
ST6	45E	Clean Coal Storage Silo	1990	700 Tons	FE
ST7	46E	Clean Coal Storage Silo	1990	700 Tons	FE
C14	14E	Belt Conveyer	1990	290 TPH	PE
C15	15E	Belt Conveyer	1990	290 TPH	PE
C16	16E	Belt Conveyer	1990	290 TPH	PE
ST8	47E	Clean Coal Open Stockpile	1984	52,605 ft. <sup>2</sup> 100,000 Tons	WS
ST15	54E	Eckman Loadout Open Stockpile	2004	348,480 ft. <sup>2</sup> 30,000 Tons	WS
<b>Refuse Circuit</b>					
C17	17E	Belt Conveyer	1952	200 TPH	N
C18	18E	Belt Conveyer	1952	75 TPH	N
SZ03	37E	McLanahan Crusher	1952	200 TPH	PE
C19	19E	Belt Conveyer	1952	200TPH	PE
C20	20E	Belt Conveyer	2010	400 TPH	PE
C26	26E	Belt Conveyer	2010	300 TPH	N
ST9	48E	Stand-By Refuse Bin	1952	300 Tons	PE
ST10	49E	Refuse Bin	1952	500 Tons	PE
C35	63E	Belt Conveyer	2007	300 TPH	N
ST14	53E	Refuse Bin	1952	500 Tons	PE
C27	27E	Belt Conveyer	1997	400 TPH	N
C28	28E	Belt Conveyer	1997	400 TPH	N
C29	29E	Belt Conveyer	1997	400TPH	N
C30	30E	Belt Conveyer	1997	400 TPH	N

**1.0 Table 1.0: Emission Units/Sources**

<b>Emission Unit/Source ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year<sup>(2)</sup> C, R, or M</b>	<b>Design Capacity</b>	<b>Control Device<sup>(1)</sup></b>
C31	31E	Belt Conveyor	1997	400 TPH	N
<b>Other Sources</b>					
ST20	53E	Hydrated Lime Bin	2004	0.35 Tons	FE
FSC1	62E	Feed Screw Conveyor	2004	0.025 TPH	FE
VT	VT	Unpaved Haulroads & Mobile Work Areas	n/a	n/a	WT

(1) FE = Full Enclosure; PE = Partial Enclosure; WS = Water Sprays; WT = Water Truck

(2) Year Constructed, Reconstructed, or Modified as defined under 40 CFR 60 Subpart A.

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NSPS</b>	New Source Performance
<b>CBI</b>	Confidential Business Information	<b>PM</b>	Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>Ppb</b>	Pounds per Batch
<b>CO</b>	Carbon Monoxide	<b>pph</b>	Pounds per Hour
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>ppm</b>	Parts per Million
<b>DAQ</b>	Division of Air Quality	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>DEP</b>	Department of Environmental Protection	<b>PSD</b>	Prevention of Significant Deterioration
<b>dscm</b>	Dry Standard Cubic Meter	<b>psi</b>	Pounds per Square Inch
<b>FOIA</b>	Freedom of Information Act	<b>SIC</b>	Standard Industrial Classification
<b>HAP</b>	Hazardous Air Pollutant	<b>SIP</b>	State Implementation Plan
<b>HON</b>	Hazardous Organic NESHAP	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>HP</b>	Horsepower	<b>TAP</b>	Toxic Air Pollutant
<b>lbs/hr</b>	Pounds per Hour	<b>TPY</b>	Tons per Year
<b>LDAR</b>	Leak Detection and Repair	<b>TRS</b>	Total Reduced Sulfur
<b>M</b>	Thousand	<b>TSP</b>	Total Suspended Particulate
<b>MACT</b>	Maximum Achievable Control Technology	<b>USEPA</b>	United States Environmental Protection Agency
<b>MDHI</b>	Maximum Design Heat Input	<b>UTM</b>	Universal Transverse Mercator
<b>MM</b>	Million	<b>VEE</b>	Visual Emissions Evaluation
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOL</b>	Volatile Organic Liquids
<b>NA</b>	Not Applicable		
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		
<b>NO<sub>x</sub></b>	Nitrogen Oxides		

### **2.3. Authority**

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.*

### **2.4. Term and Renewal**

- 2.4.1. This permit supercedes and replaces previously issued Permits R13-0308E and R13-1142. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

### **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-0308 through R13-0308E and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;  
**[45CSR§§13-5.11 and 13-10.3]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

### **2.6. Duty to Provide Information**

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.



## **2.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

## **2.8. Administrative Update**

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

## **2.9. Permit Modification**

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

## **2.10. Major Permit Modification**

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

## **2.11. Inspection and Entry**

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

### **2.13. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

### **2.14. Suspension of Activities**

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

### **2.15. Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege.

### **2.16. Severability**

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

### **2.17. Transferability**

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.  
**[45CSR§13-10.1]**

### **2.18. Notification Requirements**

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

### **2.19. Credible Evidence**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring and Compliance Demonstration Requirements

- 3.2.1. **Emission Limit Averaging Time.** Unless otherwise specified, compliance with all annual limits shall be based on a rolling twelve month total. A rolling twelve month total shall be the sum of the measured parameter of the previous twelve calendar months. Compliance with all hourly emission limits shall be based on the applicable NAAQS averaging times or, where applicable, as given in any approved performance test method.

#### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee

shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
  - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
  - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
  - d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
    1. The permit or rule evaluated, with the citation number and language;
    2. The result of the test for each permit or rule condition; and,
    3. A statement of compliance or noncompliance with each permit or rule condition.
- [WV Code § 22-5-4(a)(14-15) and 45CSR13]**

### 3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.  
[45CSR§4. *State-Enforceable only.*]

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304-2345

**If to the USEPA:**

Associate Director  
Office of Enforcement and Permits Review  
(3AP12)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

3.5.4. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

## 4.0. Source-Specific Requirements

### 4.1. Limitations and Standards

4.1.1. Only those emission units/sources as identified in Table 1.0, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the permitted facility. In accordance with the information filed in Permit Application R13-0308E, the emission units/sources identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, and shall use the specified control devices.

4.1.2. Operation of the thermal dryer shall be in accordance with the following requirements:

- a. Maximum hourly and annual emissions from the operation of the thermal dryer shall not exceed the limits as specified in the following table:

**Table 4.1.2. Thermal Dryer Emission Limits**

Pollutant	Hourly (lb/hr)	Annual (ton/yr)
CO	12.60	43.50
NO <sub>x</sub>	40.60	140.10
PM <sub>2.5</sub>	7.23	24.90
PM <sub>10</sub>	7.23	24.90
PM	7.23	24.90
SO <sub>2</sub>	12.80	44.10
VOC	30.00	103.50

- b. The sulfur content of the coal being used to fire the thermal dryer shall not exceed 0.85% on an as received basis.
- c. The ash content of the coal being used to fire the thermal dryer shall not exceed 10% on an as received basis.
- d. Coal dried in the thermal dryer shall not exceed 318.7 tons per hour or 2,199,030 tons per year.
- e. Operation of the thermal dryer shall not exceed 6,900 hours per year.
- f. Emissions from the thermal dryer shall be controlled by a cyclone and a venturi scrubber. The rate of hydrated lime injected into the SO<sub>2</sub> control system shall be sufficient so as to maintain the scrubber influent at a pH of at least 5.0.

4.1.3. The permittee shall not exceed the specified maximum throughputs listed in the following table:

**Table 4.1.3.: Maximum Throughputs**

Parameter	Limit 1 (TPH) <sup>(1)</sup>	Limit 2 (TPY)
Raw Coal into Wet Wash Plant	470	3,066,000
Total Clean Coal Loaded Out	290	2,001,000



Refuse Circuit @ Conveyor C35	300	750,000
Refuse Circuit @ Conveyor C20	400	1,752,000

(1) As based on the maximum design capacities limited under 4.1.2.

4.1.4. The transfer points, as identified in the Process Flow Diagram included in Permit Application R13-0308E and attached to this permit, shall use the following control devices:

- a. The following transfer points shall be required to use partial enclosures: T2 through T11, T15 through T18, T23 through T27, T29 through T40, T46 through T54, T58 through T59, and T62 through T63.
- b. The following transfer points shall be required to use full enclosures: T13, T28, T55 through T57, and T61.

4.1.5. Fugitive particulate emissions resulting from use of haulroads, mobile work areas, and open stockpiling of coal shall be minimized by the following:

- a. The one-way length of the refuse haulroad shall not exceed 1.0 mile.
- b. The permittee shall maintain a water truck on site (the term "on site" includes all areas subject to vehicular traffic at the plant site including the county road from the former "Eckman Loadout" site to Route US 52) and in good operating condition, and shall utilize same to apply a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

- c. All water sprays required on open storage piles shall apply a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from wind erosion or on-pile activity. All spraybars shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.
- d. The permittee shall properly install, operate and maintain winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain effective and functional, to the maximum extent practicable, during winter months and cold weather. At all times, including periods of cold weather, the registrant shall comply with the water trucks and/or water sprays requirements of this permit.

- e. The permittee shall install, operate and maintain a fugitive dust control system to prevent the generation of fugitive dust and to eliminate tracking of material from the site through the town of Keystone. This system shall include but not be limited to a new section of windscreen shall be installed at the former Loadout site, from Bridge Street to the nearby overpass bridge on Route US52. Said windscreen should be properly maintained including but not limited to the timely replacement or repair of any missing or damaged sections. Consistent with its status as a county road, the road leading from the bridge to the plant will not be considered to be part of the haulroad.
- f. The permittee is authorized to open stockpile commingled coal in stockpile ST8 when clean coal silos are full. For the purpose of this permit, “commingled coal” is defined as a mixture of thermally dried and non-thermally dried coal of a ratio that is sufficient to minimize excess emissions of fugitive particulate matter.

4.1.6. **45CSR5 - To Prevent and Control Air Pollution from Coal Preparation Plants, Coal Handling Operations, and Coal Refuse Disposal Operations.** The coal processing and conveying equipment are subject to the applicable limitations and standards under 45CSR5, including the requirement given under (a) through (d).

- a. The permittee shall not cause, suffer, allow or permit emission of particulate matter into the open air from any stack which is twenty percent (20%) opacity or greater, except as noted in subsection 3.2 of 45CSR5.  
**[45CSR§5-3.1]**
- b. The permittee shall not cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.  
**[45CSR§5-3.4]**
- c. The permittee shall not cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.  
**[45CSR§5-6.1]**
- d. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening and general maintenance to minimize dust generation and atmospheric entrainment.  
**[45CSR§5-6.2]**

4.1.7. **Subpart Y - Standards for Thermal Dryers.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified on or before April 28, 2008, subject to the provisions of this subpart must meet the requirements in paragraphs (a)(1) and (a)(2) of this section.

- (1) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which contain PM in excess of 0.070 g/dscm (0.031 grains per dry standard cubic feet (gr/dscf)); and

- (2) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which exhibit 20 percent opacity or greater.

**[40CFR§60.252(a)]**

- 4.1.8. **Subpart Y - Standards for Coal Processing and Conveying Equipment, Coal Storage Systems, Transfer and Loading Systems, and Open Storage Piles.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.

- 4.1.9. **Subpart Y - Standards for Coal Processing and Conveying Equipment, Coal Storage Systems, Transfer and Loading Systems, and Open Storage Piles.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of this section, as applicable to the affected facility.

- (1) Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.

- (3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of this section.

**[40CFR§60.254(b)]**

- 4.1.10. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

**[45CSR§13-5.11.]**

## **4.2. Monitoring and Compliance Demonstration Requirements**

- 4.2.1. For the purposes of demonstrating continuous compliance with maximum throughput limitations set forth in 4.1.2(d) and in Table 4.1.3, the permittee shall monitor and record the monthly and rolling twelve month throughput of each material specified under Table 4.1.3.
- 4.2.2. For the purposes of demonstrating continuous compliance with maximum hours of operation limit set forth in 4.1.2(e), the permittee shall monitor and record the monthly and rolling twelve month hours of operation of the thermal dryer.
- 4.2.3. For the purposes of determining compliance with water truck usage set forth in 4.1.5(b), the permittee shall monitor and record water truck activity on the refuse haulroad. At a minimum the permittee shall record the days the water truck was used on the refuse haulroad and, if the water truck is not used, the reason watering was not needed.

- 4.2.4. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar week. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for four (4) consecutive weekly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

- 4.2.5. **Subpart Y - Continuous Monitoring Requirements - Thermal Dryers.** The owner or operator of each affected facility constructed, reconstructed, or modified on or before April 28, 2008, must meet the monitoring requirements specified in paragraphs (a)(1) and (2) of this section, as applicable to the affected facility.

- (1) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:
  - (i) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1.7^{\circ}\text{C}$  ( $\pm 3^{\circ}\text{F}$ ).
  - (ii) For affected facilities that use wet scrubber emission control equipment:
    - (A) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1$  inch water gauge.
    - (B) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator shall have discretion to grant requests for approval of alternative monitoring locations.

- (2) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under §60.13(b).

- 4.2.6. The permittee shall meet all applicable monitoring, compliance demonstration, and record-keeping requirements as given under 45CSR5, 45CSR7, and 40 CFR 60, Subpart Y.

#### **4.3. Testing Requirements**

- 4.3.1. At such reasonable time(s) as the Secretary may designate, in accordance with the provisions of 3.3 of this permit, the permittee shall conduct or have conducted test(s) to determine compliance with the emission limitations established in the permit application and/or applicable regulations.
- 4.3.2. **Subpart Y - Performance Tests and Other Compliance Requirements.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in §60.257.
- 4.3.3. **Subpart Y - Performance Tests and Other Compliance Requirements.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraphs (b)(1) and (b)(2) of this section.  
[40CFR§60.255(b)]
- (2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of this section .  
[40CFR§60.255(b)(2)]
- (i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.  
[40CFR§60.255(b)(2)(i)]
- (ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.  
[40CFR§60.255(b)(2)(ii)]
- 4.3.4. **Subpart Y - Performance Tests and Other Compliance Requirements: Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2) of this section, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.  
[40CFR§60.255(f)]
- (1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.  
[40CFR§60.255(f)(1)]

- (i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.

[40CFR§60.255(f)(1)(i)]

- (ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

[40CFR§60.255(f)(1)(ii)]

- (iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.

[40CFR§60.255(f)(1)(iii)]

- (2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS “Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.” This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.

[40CFR§60.255(f)(2)]

- 4.3.5. **Subpart Y - Performance Tests and Other Compliance Requirements: COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section [see permit condition 4.3.2. above], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of this section.

[40CFR§60.255(g)]

- 4.3.6. **Subpart Y - Performance Tests and Other Compliance Requirements: Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through (3) of this section.

[40CFR§60.255(h)]

- (1) Conduct an initial performance test using Method 9 of Appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and (ii).

[40CFR§60.255(h)(1)]

- (i) Opacity readings shall be taken during the duration of three separate truck dumping events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.

[40CFR§60.255(h)(1)(i)]

- (ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.

[40CFR§60.255(h)(1)(ii)]

- (2) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

[40CFR§60.255(h)(2)]

- (3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.

[40CFR§60.255(h)(3)]

- 4.3.7. **Subpart Y - Performance Tests and Other Compliance Requirements.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.

[40CFR§60.255(c)]

- 4.3.8. **Subpart Y - Test Methods and Procedures.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of this section.

[40CFR§60.257(a)]

- (1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).

[40CFR§60.257(a)(1)]

- (i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).

[40CFR§60.257(a)(1)(i)]

- (ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.

[40CFR§60.257(a)(1)(ii)]

- (2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.

[40CFR§60.257(a)(2)]

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.  
[40CFR§60.257(a)(2)(i)]

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the mine of vision is approximately perpendicular to the plume and wind direction.  
[40CFR§60.257(a)(2)(ii)]

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.  
[40CFR§60.257(a)(2)(iii)]

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (a)(3)(i) through (iii) of this section are met.  
[40CFR§60.257(a)(3)]

(i) No more than three emissions points may be read concurrently.  
[40CFR§60.257(a)(3)(i)]

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.  
[40CFR§60.257(a)(3)(ii)]

(iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.  
[40CFR§60.257(a)(3)(iii)]

4.3.9. **Subpart Y - Test Methods and Procedures for.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.  
[40CFR§60.257(b)]

4.3.10. The permittee shall meet all applicable testing requirements as given under 45CSR5 and 40 CFR 60, Subpart Y.

#### **4.4. Recordkeeping Requirements**

4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;



- d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
  - b. Steps taken to minimize emissions during the event.
  - c. The duration of the event.
  - d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
  - f. Steps taken to correct the malfunction.
  - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. **Subpart Y - Recordkeeping.** The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain a logbook (written or electronic) on-site which documents the information specified in paragraphs (a)(1) through (10) of this section and make it available upon request.
- [40CFR§60.258(a)]**
- (1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection activities. Any variance from manufacturer recommendation, if any, shall be noted.  
**[40CFR§60.258(a)(1)]**
  - (2) The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.  
**[40CFR§60.258(a)(2)]**
  - (3) The amount and type of coal processed each calendar month.  
**[40CFR§60.258(a)(3)]**

- (4) The amount of chemical stabilizer or water purchased for use in the coal preparation plant and processing plant.  
[40CFR§60.258(a)(4)]
- (5) Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from manufacturer recommendation, if any, shall be noted.  
[40CFR§60.258(a)(5)]
- (6) Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, *e.g.* objections, to the plan and any actions relative to the alternative control measures, *e.g.* approvals, shall be noted in the logbook as well.  
[40CFR§60.258(a)(6)]
- (8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.  
[40CFR§60.258(a)(8)]

#### 4.5. Reporting Requirements

- 4.5.1. **Subpart Y - Reporting: Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as specified in paragraphs (b)(1) through (3) of this section.  
[40CFR§60.258(b)]
  - (3) All 6-minute average opacities that exceed the applicable standard.
- 4.5.2. **Subpart Y - Reporting: Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.  
[40CFR§60.258(c)]
- 4.5.3. **Subpart Y - Reporting: WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.  
[40CFR§60.258(d)]

- 4.5.4. The permittee shall meet all applicable reporting requirements as given under 45CSR5 and 40 CFR 60, Subpart Y.

### CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached \_\_\_\_\_, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_, and any supporting documents appended hereto, is true, accurate, and complete.

Signature<sup>1</sup>

(please use blue ink)

\_\_\_\_\_  
Responsible Official or Authorized Representative

\_\_\_\_\_  
Date

Name and Title

(please print or type)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

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<sup>1</sup> This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.